

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JUDGE: SEITZ
MAGISTRATE: BANDSTRA

CASE NO.: 02-21593 CIV-SEITZ

DAYSI ACOSTA,

Plaintiff,

v.

**YEMA HOME HEALTH CARE, INC.,
a Florida corporation, and
MARIA ESCARPIO,**

Defendants.

Final Judgment

SEP 21 PM 4:30
D.C.

THIS MATTER came for trial by jury before this court upon the stipulation of all parties pursuant to Rule 1(h), *Magistrate Judge Rules (So. Dist. Fla.)*, on May 17 and 18, 2004.

The plaintiff, Daysi Acosta, a home health care worker, filed this civil action under the *Fair Labor Standards Act*, 29 USC §201-216 (the "Act"), seeking to recover overtime compensation allegedly owed her by Yema Home Health Care, Inc., an agency rendering home health care services, and its sole owner, Maria Escarpio. The defendants alleged the plaintiff was at all times material not an employee as that term is construed under the Act but rather an independent contractor.

The jury found by unanimous verdict that the plaintiff, Daysi Acosta, at all times material was not an employee of the defendants, Yema Home Health Care, Inc., a Florida

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corporation, and Maria Escarpio. No post-trial motions have been filed. Thus it is
hereupon

ORDERED AND ADJUDGED:

Final Judgment of no liability be and the same is hereby entered against the plaintiff,
Daysi Acosta, who shall take nothing by this civil action, and in favor the defendants, Yema
Home Health Care, Inc., a Florida corporation, and Maria Escarpio, who shall go hence
without day.

DONE AND ORDERED on September 20, 2004 in the Southern District of
Florida.

c: J.H. Zidell, Esq.
Ralph Ventura, Esq.

J. B. Q. - - -
United States Magistrate Judge